



Appeal Decision

Site visit made on 22 March 2023

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/E2530/Y/22/3307175

Manor Farm House, The Green, Fulbeck, Lincolnshire NG32 3JJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Fane against the decision of South Kesteven District Council.
 - The application Ref S22/0618 S22/0688, dated 22 March 2022, was refused by notice dated 17 May 2022.
 - The works are new double glazed windows to replace existing iron window frames.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is retrospective. The windows described have already been installed. I have therefore considered the appeal on the basis of the scheme being for the retention of the works as shown on the submitted plans.
3. Two application reference numbers have been entered on the appeal form, one is for the listed building consent (LBC) and the second is for the related householder planning application (HAS). The appellant is aware that the deadline for an appeal against the Council's HAS decision has passed. However, for the avoidance of doubt, I confirm I have considered only the relevant appeal against the refusal of LBC.

Main Issue

4. The effect of the works on the special architectural and historic interest of the grade II listed Manor Farm, the Green and whether the works would preserve or enhance the character or appearance of the Fulbeck Conservation Area.

Reasons

5. The appeal property is a large detached two storey dwelling known as the grade II listed Manor Farm, the Green (Manor Farm). It is within the Fulbeck Conservation Area (CA).
6. Manor Farm is also close to a number of other listed buildings, including the grade II listed Hare and Hounds Public House and the grade I listed St Nicholas Church (the Church) and associated heritage assets in and around the churchyard. However, the Council have only alleged harm to Manor Farm. I agree that the proposal would not harm the setting or significance of any other

listed buildings nearby and I have not therefore considered these heritage assets in detail any further in my decision.

7. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building or its setting and any features of architectural or historic interest it possesses. The same act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Furthermore, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The significance of Manor Farm and the CA

8. Manor Farm is of C17 origin but was extensively rebuilt in 1884. It is constructed of stone with a slate tiled roof and displays a variety of traditional architectural details including stone kneelers, quoins, coped gables, moulded ridge stacks and mullioned windows. Insofar as is relevant to this appeal the significance of the grade II listed Manor Farm derives from its high quality traditional architectural detailing and its historical association with agriculture.
9. The CA, with its landmark ancient Church, covers a small village positioned along the Lincoln Cliff escarpment which provides an attractive rural agricultural landscape setting and affords wide ranging views of the village. The traditional buildings are a variety of sizes and display a rich variety of attractive traditional architectural details. There are properties set in large grounds, others in hillside plots and some buildings of medieval origin. However, notably the buildings are mainly constructed from a consistent palette of local materials, particularly stone, slate and pantiles. Thus, insofar as is relevant to this appeal, I find the significance of the CA is founded on the variety and quality of the traditional architecture, the positioning and layout of the built form in the surrounding countryside and the associated historical relationship of the settlement with agriculture.

Effect on the Significance of Manor Farm and the CA

10. Paragraph 194 of the Framework says in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Furthermore, paragraph 200 of the Framework makes clear any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
11. The evidence before me is limited. There is no substantive evidence which allows me to definitively assess the windows that have already been removed. They are no longer on site and there are no photographs of sufficient quality or scale which allow me to undertake a thorough assessment. On site I did observe one small existing non-opening first floor window which appeared to be iron framed and of some age but in reasonable condition (the iron framed first floor window). However, this window was much smaller than the windows which have been replaced which would have had opening mechanisms. With

the absence of any detailed evidence to the contrary, although neither party has definitively confirmed, it seems more likely than not, that the windows removed would have had a similar character to the iron framed first floor window.

12. I have noted the three double glazed wooden windows on the east side of the house and note the comment that the glazing had failed so was replaced. However, this does not justify the appeal works and there is no substantive evidence which demonstrates that the iron framed windows that have been replaced could not have been repaired. The evidence indicates that the iron framed windows removed could have been installed when the grade II listed building was recorded on the listing description as being subject to extensive rebuilding in 1884. Indeed, the application form describes the windows which have been removed as having predominately comprised iron casements, fitted within the stone mullioned surrounds, likely original and key features of the style and period of the house. With the absence of substantive evidence to the contrary, the iron framed first floor window appeared to me as if it could well have been installed at the time of the 1884 extensive rebuilding.
13. I also acknowledge the window supplier confirms that the new windows are slimline and used on heritage works because of their slim appearance. However, in my view, the new windows have thick aluminium frames and relatively thick faux glazing bars. They are noticeably new and have an obvious modern character which is in stark contrast with the slender painted iron framed first floor window which appears subsidiary to the stonework. In my view the modern windows with their heavy aluminium frames appear noticeably at odds with and draw attention away from the attractive window opening stonework which is a prominent and significant traditional architectural feature of the grade II listed building.
14. Thus, irrespective of how visible the modern aluminium windows are from public vantage points, when looking at the listed building they are noticeable and prominent. They detract from the traditional architectural detailing of the grade II listed building and based on the limited evidence before me, I must also find the removal and disposal of the iron framed windows has also resulted in the loss and damage to the listed building's historic fabric.
15. Therefore, based on the limited evidence before me, I am inevitably led to the conclusion that the scheme fails to preserve and harms the significance of the listed building. As I have found the scheme would fail to preserve and harm the significance of a grade II listed traditional building in the CA, irrespective of how widely visible that harm would be, I also must find the proposal would fail to preserve the character, appearance and significance of the CA as a whole.
16. The harm to both the listed building and the CA would be less than substantial. However, the windows are clearly a prominent historic architectural feature of this listed building such that I find that the less than substantial harm to Manor Farm is towards the middle of any range. The less than substantial harm to the CA as a whole would be towards the lower end of any range.
17. Nevertheless, the less than substantial harm in both cases is of considerable importance and weight. In these circumstances, paragraph 202 of the Framework states that the harm should be weighed against the public benefits of the scheme, which includes securing the asset's optimum viable use.

Planning and Heritage Balance

18. I accept the new windows would clearly be more energy efficient than the windows they have replaced and that they would have benefits in terms of climate change. However, there is no substantive evidence which allows me to assess the magnitude of this public benefit. Nevertheless, this is still a public environmental benefit. There will have also been some economic public benefits which would have arisen during the window manufacture and installation phase.
19. The evidence which suggests the windows removed were causing damage to the heritage asset is also limited, there is no substantive evidence to suggest any damage would not have been preventable through repairs to the windows. However, based on the evidence of discoloured stonework observed, I accept corrosion was clearly having a negative impact on the fabric of the listed building. The replacement with modern windows has alleviated this and thus on the basis of the evidence before me, I accept this as a public benefit.
20. I acknowledge that the modern windows can be much more easily opened and closed to the enjoyment of the occupants. I also note the scheme would result in lower energy bills and the modern windows will be more cost effective to maintain. I also accept that the modern windows would be more secure than the windows they replaced. However, with the absence of detailed evidence to the contrary I find these are personal benefits and not public. In any event there is no substantive evidence which demonstrates the windows which have been removed were unsafe or leaving the appeal property unsecure. There is also no substantive evidence to demonstrate that the windows which have been removed were resulting in a dwelling which was not able to provide acceptable living conditions or resulting in heating or maintenance costs of such magnitude that they were impacting on the viable use of the appeal property as a dwelling.
21. Therefore, on the basis of the limited evidence before me, all the public benefits combined are modest and insufficient to outweigh the great weight I must attach to the less than substantial harm I have identified to the designated heritage assets.
22. For the reasons given the appeal scheme harms the special architectural and historic interest and fails to preserve the grade II listed Manor Farm and would not preserve or enhance the character or appearance of the CA and those harms are not outweighed by public benefits. The scheme therefore conflicts with paragraphs 199 and 202 of the Framework and fails to accord with Policy EN6 of the South Kesteven District Local Plan 2011-2036 (2020) which, among other things, seeks to protect and enhance heritage assets and their settings.

Other Matters

23. In reaching these conclusions I have noted the comments with regard to the Council's handling of the proposals. I also note that the appeal property is in good order which in part is due to it being carefully maintained by the appellant and previous occupants. I also do not doubt the comments that the appellant undertook work in good faith, without understanding listed building consent was required. However, even so, I confirm I have had regard only to the planning and heritage merits of the case, and none of these other matters or any others raised are sufficient to outweigh my earlier findings.

Conclusion

24. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR